

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 1542 - HB 1730**

March 24, 2009

**SUMMARY OF BILL:** Expands the definition of sexual offenses rendering an offender ineligible for judicial diversion, probation or expunction of records to include sexual battery if the victim was a minor, statutory rape, aggravated statutory rape, and assault if the victim was a minor at least 10 years younger than the defendant.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$319,900/Incarceration\***

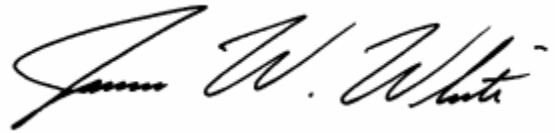
Assumptions:

- The Department of Correction (DOC) estimates a five percent increase in the number of admissions by making these sexual battery and statutory rape offenses ineligible for diversion or probation. According to DOC, there has been an average of 55 admissions for sexual battery and 106 admissions for statutory rape in each of the past 10 years.
- A five percent increase (3) in sexual battery admissions as a result of this bill. No significant incarceration cost increase will occur due to population growth in this period for sexual battery offenses.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for three offenders is \$106,644.33 (\$35,548.11 x 3).
- A five percent increase (5) in statutory rape admissions as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders. The total additional operating cost for six offenders is \$213,288.66 (\$35,548.11 x 6).
- Any impact on caseloads in state trial courts can be accommodated within existing judicial resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc